



Ōpōtiki District Council

STRONG COMMUNITY STRONG FUTURE

Statement of Proposal

Te Arawhiti and Te Whānau a Apanui joint request

Ōpōtiki district reserve land

PREPARED FOR PUBLIC CONSULTATION

Thursday 4 February 2021

A229160

Introduction

This statement of proposal has been prepared in accordance with Section 83 of the Local Government Act 2002 (the Act).

The Crown, through Te Arawhiti: the Office for Māori Crown Relations (Te Arawhiti), has sought to involve the Council in Te Whānau a Apanui Treaty of Waitangi settlement discussions.

Te Arawhiti and Te Whānau a Apanui have presented a joint request to Council with respect to properties at six locations within the Ōpōtiki district that the Council has an interest in (**Joint Request**). The Joint Request involves a proposed change to the ownership and management of certain land and reserves to enable these properties to be transferred from Council control to Iwi ownership.

At the 17 December 2020 Ordinary Council Meeting, Council resolved to carry out public consultation through the Special Consultative Procedure, in order to gather and consider the views of persons interested in the matter, and for the Council to fully consider the advantages and disadvantages of accepting the Joint Request, to inform its final decision on the Joint Request.

Summary of Proposal

Given the short nature of this Statement of Proposal, Council is not producing a separate summary.

What is proposed

This Statement of Proposal reflects the Joint Request, which invites Council to consider the transfer of ownership of properties at six locations in the district to Te Whānau a Apanui. Although each property is proposed to remain as a reserve administered by Te Whānau a Apanui under the Reserves Act 1977, there may be different options for management of each reserve. In addition to seeking views on the proposal to transfer ownership of the reserves, Council seeks views on the potential management options for each reserve, which are summarised at the end of this document.

Site	Address	Proposal
Esplanade Reserve in front of Tunapahore Marae – Hawaii	SH 35	<p>It is proposed that the Local Purpose Reserve (esplanade) would be transferred in full to Te Whānau a Apanui.</p> <p>The Local Purpose status under the Reserves Act 1977 would remain. The public rights of access would remain as per the Reserves Act as is currently the case.</p> <p>Te Whānau a Apanui would be the sole administering body for the reserve.</p>

<p>Hoani Waititi Memorial Recreation Reserve</p>	<p>Ōmaio Pā Road</p>	<p>It is proposed that the Hoani Waititi Memorial Reserve be transferred from the Ōpōtiki District Council to Te Whānau a Apanui.</p> <p>It is proposed that the status of the land would remain as a recreation reserve subject to the Reserves Act 1977. The public rights of access would be as per the Act as is currently the case.</p> <p>Te Whānau a Apanui would be the sole administering body for the reserve.</p> <p>This part of the proposal would be subject to Council first complying with any obligations to offer the land back to successors of former owners who may be entitled to be offered the land back under the Public Works Act 1981.</p>
<p>Maraetai Bay Recreation Reserve</p>	<p>SH 35, Te Kaha</p>	<p>It is proposed that the four parcels comprising this reserve be transferred from the Ōpōtiki District Council to Te Whānau a Apanui.</p> <p>It is proposed that the recreation reserve status of this land would remain the same, and subject to the Reserves Act 1977. The public rights of access would be as per that Act as is currently the case.</p> <p>Te Whānau a Apanui would be the sole administering body for the reserve.</p> <p>It is proposed that ODC would retain ownership of the improvements (i.e., public conveniences and children's playground) and liability for the maintenance of the improvements on the reserve.</p>
<p>Whanarua Bay Recreation Reserves</p>	<p>SH 35</p>	<p>It is proposed that the seven land parcels comprising this reserve be transferred from the Ōpōtiki District Council to Te Whānau a Apanui.</p> <p>It is proposed that Lot 80 (urupā) and all of Lot 71 would be vested in Te Whānau a Apanui unencumbered, without any reserve status and without any public access requirements.</p> <p>The remaining lots being 66, 68, 69, 70, balance of Lot 80 DP 4651 and Lot 3 DP 6108 would be vested in Te Whānau a Apanui as historic reserves under the Reserves Act 1977. The public rights of access to those parcels, would be as per that Act as is currently the case. Implementing this part of the proposal would be subject to the Council first being satisfied as to how any existing encroachments are addressed prior to the land being transferred.</p> <p>It is proposed that Te Whānau a Apanui would be the sole administering body for the reserves.</p>

Waihou Bay Recreation Reserve	SH 35, Orete Point Road	<p>It is proposed that the six land parcels comprising this reserve be transferred from the Ōpōtiki District Council to Te Whānau a Apanui.</p> <p>It is proposed that the status of the land would remain a recreation reserve subject to the Reserves Act 1977. The public rights of access would be as per that Act as is currently the case.</p> <p>Te Whānau a Apanui would be the sole administering body for the recreation reserve.</p>
Waihou Boat Ramp Site	Orete Point Road, Waihou Bay	<p>It is proposed that the land adjacent to and including the boat ramp, which is currently road, would be surveyed and defined. Council would then initiate a process to stop the road in order that the land could be transferred to Te Whānau a Apanui.</p> <p>It is proposed that public access to the boat ramp, which is not owned by Council, would remain through an appropriate mechanism (for example, an easement in favour of ODC for public access). The boat ramp would remain in private ownership.</p>

Management options

This statement of proposal relates to the transfer of ownership of the six properties. In addition to seeking views on that matter, Council also seeks views about the management options for the reserves. These are summarised generally below, although sub-options might involve different approaches for each reserve. An assessment of the advantages and disadvantages of each option can be found in the Report dated 19 January 2021 which was presented to the Council meeting on 26 January 2021. A copy of that report is available on Council's website.

Three options have been identified for the management of the reserves identified in this Statement of Proposal, which assumes Council transfers ownership to Te Whānau a Apanui as proposed:

1. Te Whānau a Apanui owns the reserves but Council retains sole management of the reserves
2. Te Whānau a Apanui owns the reserves and a joint reserve management board of the Council and Te Whānau a Apanui is created to manage reserves individually or collectively;
3. Te Whānau a Apanui owns the reserves and is the sole management body of the reserves.

It is proposed that under all ownership and management arrangements, the reserves would continue to be managed in accordance with the Reserves Act 1977.

Have your say

Your views on the statement of proposal can be provided to Ōpōtiki District Council by any of the following methods:

- writing to Council at PO Box 44, Ōpōtiki 3162
- emailing info@odc.govt.nz
- completing the online submission form on our website
- completing the hardcopy submission form which is available at Council's office at 108 St John Street.

The consultation period will be from 9.00am Thursday 4 February to 4.00pm Thursday 4 March 2021.

All feedback will be made available to the Council and will be taken into consideration when making a final decision on the proposal.

What happens next?

After the consultation period has closed and all feedback has been reviewed and collated, a report will be prepared for Council to enable a final decision to be made on the proposal. The report will be available on the Council's website two working days prior to the relevant Council meeting which will be advertised in advance.

Further information

If you wish to discuss this Statement of Proposal, please contact Katherine Hall, Policy Planner at katherineh@odc.govt.nz.